

# Notice of Allowability

Application No.

09/996,720

Examiner

Jared I. Rutz

Applicant(s)

SPENCER ET AL.

Art Unit

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/30/2007.
2. ☒ The allowed claim(s) is/are 1-6, 8, 12, 13, 16-18, 21-27 and 30-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-6, 8, 12-13, 16-18, 21-27, and 30-33, as amended on 8/30/2007, are pending in the instant application. Applicant's arguments submitted 8/30/2007 have been carefully and fully considered, and are found partially persuasive. The grounds of rejection presented in the non-final Office action of 1/17/2007 have been overcome by Applicant's amendments. Accordingly, the instant application is in condition for **allowance**.

### *Drawings*

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following claimed features must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

3. Claim 1:

- a. "a *memory card*" is not shown
- b. "an *area of memory of the memory card*" is not shown
- c. "a *plurality of event descriptors*" is not shown
- d. "displaying a *plurality of the event descriptors*" is not shown
- e. displaying additional usage information associated with the selected event descriptor is not shown

4. Claim 2:

- f. "monitoring *write events, read events and power-on events*" is not shown

5. Claim 3:

g. *"changing a count associated with an event descriptor when the event occurs"* is not shown

6. Claim 4:

h. *"storing a value parameter associated with said event descriptor when the event occurs"* is not shown

7. Claim 5:

i. *"changing a running total associated with said event descriptor when the event occurs"* is not shown

8. Claim 6:

j. *"a dedicated area in said memory card"* is not shown

9. Claim 8:

k. *"changing a count associated with an event description when the event occurs"* is not shown

l. *"displaying the count on the display on the memory card"* is not shown

10. Claim 12:

m. *"creating write and read commands"* is not shown

11. Claim 13:

n. *"changing a count associated with an event descriptor"* is not shown

o. *"comparing the count to a threshold"* is not shown

p. *"if the threshold is equaled or exceeded, then causing a message to be sent"* is not shown

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12. Claim 16:

q. *"an area of memory of the memory card for recording information about usage of the memory card"* is not shown

13. Claim 17:

r. *"an electronic device"* is not shown

s. *"a portable memory card"* is not shown

t. *"an area of memory on the memory card itself"* is not shown

u. *"a display on the memory card"* is not shown

v. *"counting a number of times an image file was written to the memory card"*  
is not shown

14. Claim 18:

w. *"counting physical insertions of the memory card into the electronic device"* is not shown

15. Claim 21:

x. *"counting a number of times music files were written to the memory card"*  
is not shown

16. Claim 22:

y. *"tracking a number of times the memory card is formatted"* is not shown

17. Claim 23:

z. *"providing a portable memory card"* is not shown

aa. *"an area of memory on the memory card"* is not shown

bb. *"a display on the memory card"* is not shown

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18. Claim 24:

cc. *"a window on the memory card"* is not shown

19. Claim 25:

dd. *"a screen on the memory card"* is not shown

20. Claim 26:

ee. *"monitoring an amount of memory used on the memory card"* is not shown

ff. *"monitoring an amount of memory remaining free on the memory card"* is not shown

21. Claim 27:

gg. *"providing the portable memory card in a digital camera"* is not shown

hh. *"a digital camera"* is not shown

22. Claim 30:

ii. *"a memory card"* is not shown

jj. *"an area of memory of the memory card"* is not shown

23. Claim 32:

kk. *"a memory card"* is not shown

ll. *"an area of memory of the memory card"* is not shown

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure

is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Response to Arguments***

24. Applicant's arguments submitted 5/17/2007 have been carefully and fully considered, and are considered partially persuasive.

25. Applicant's arguments with respect to the objection to the drawings as failing to comply with 37 CFR 1.84(p)(5), see the first paragraph beginning on page 8 of the reply submitted 5/17/2007, have been carefully and fully considered, and are found persuasive. As noted by Applicant, Figure 2 was not entered in the instant application.

26. Applicant's arguments with respect to the objection to the drawings as failing to meet the requirements of 37 CFR 1.83(a), see the second through sixth paragraphs beginning on page 8 and continuing on page 9, have been carefully and fully considered, but are not found persuasive. Applicant argues, in the fifth paragraph beginning on page 8, that 35 USC 113 only requires a drawing where necessary for the

understanding of the subject matter to be patented. The Examiner notes that the absence of drawings is not the issue. Applicant's disclosure, as originally filed on 11/30/2001, included a single figure. Accordingly, it is submitted that Applicant has acknowledged the necessity of a drawing for understanding the subject matter to be patented. However, the drawing submitted is not sufficient to aid in the understanding of the claimed subject matter, as the elements listed supra are not shown in the drawing. Accordingly, the objection to the drawings as failing to meet the requirements of 37 CFR 1.83(a) is maintained.

#### ***Reasons for Allowance***

27. **Claims 1-6, 8, 12-13, 16-18, 21-27, and 30-33** are allowed.

28. **Claim 1** has been amended to recite the limitation "*wherein there are a plurality of event descriptors and wherein said accessing step comprises displaying a plurality of the event descriptors on a display on the memory card, wherein each of the displayed plurality of events descriptors is selectable, so that on selection, additional usage information will be displayed that is associated with that selected event descriptor*". This limitation is taught by the specification at least at paragraph 0029. This limitation, in combination with the other recited limitations of claim 1, is not taught or suggested by the prior art of record.

29. **Claims 1-6, 8, and 12-13** depend from claim 1, and are considered allowable for at least the same reasons as claim 1.

30. **Claims 16 and 17** recite the limitation "*wherein collecting information further comprises counting a number of times an image file was written to the memory card*".

This limitation is taught by the specification at least at paragraph 0021. This limitation, in combination with the other recited limitations of claim 16, is not taught or suggested by the prior art of record.

31. **Claims 18 and 21-22** depend from claim 17, and are considered allowable for at least the same reasons as claim 17.

32. **Claims 23, 30, and 32** recite the limitation "*wherein collecting information further comprises counting a number of times an image file was written to the portable memory card*". This limitation is taught by the specification at least at paragraph 0021. This limitation, in combination with the other recited limitations of claim 16, is not taught or suggested by the prior art of record.

33. **Claims 24-27, 31, and 33** depend from claims 23, 30, and 32, respectively, and are considered allowable for at least the same reasons as claims 23, 30, and 32.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared I. Rutz whose telephone number is (571) 272-5535. The examiner can normally be reached on M-F 8:00 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (571) 272-4201. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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